

SECOND REGULAR SESSION

SENATE BILL NO. 1189

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SHOEMYER.

Read 1st time February 26, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

3685S.02I

AN ACT

To repeal section 161.670, RSMo, and to enact in lieu thereof one new section relating to the virtual public school.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 161.670, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 161.670, to read as follows:

161.670. 1. Notwithstanding any other law, prior to July 1, 2007, the
2 state board of education shall establish a virtual public school to serve school-age
3 students residing in the state. **It is the intent of the general assembly that**
4 **the virtual public school established under this section serve as a**
5 **curriculum enhancement for all students seeking to earn a high school**
6 **diploma or an equivalent, by offering courses otherwise unavailable to**
7 **them.** The virtual public school shall offer instruction in a virtual setting using
8 technology, intranet, and/or Internet methods of communication. Any student
9 under the age of twenty-one in grades kindergarten through twelve who resides
10 in this state shall be eligible to enroll in the virtual public school regardless of
11 the student's physical location. **A student shall not be permitted to enroll**
12 **in a course through the virtual public school if the school the student**
13 **attends offers the same course or an equivalent course.**

14 2. For purposes of calculation and distribution of state school aid,
15 students enrolled in a virtual public school shall be included, at the choice of the
16 student's parent or guardian, in the student enrollment of the school district in
17 which the student physically resides. The virtual public school shall report to the
18 district of residence **within five business days** the following information about
19 each student served by the virtual public school: name, address, eligibility for

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 free or reduced-price lunch, limited English proficiency status, special education
21 needs, and the number of courses in which the student is enrolled. The virtual
22 public school shall [promptly] notify the resident district **within five business**
23 **days** when a student discontinues enrollment. A "full-time equivalent student"
24 is a student who successfully has completed the instructional equivalent of six
25 credits per regular term. Each virtual course shall count as one class and shall
26 generate that portion of a full-time equivalent that a comparable course offered
27 by the school district would generate. In no case shall more than the full-time
28 equivalency of a regular term of attendance for a single student be used to claim
29 state aid. Full-time equivalent student credit completed shall be reported to the
30 department of elementary and secondary education in the manner prescribed by
31 the department. Nothing in this section shall prohibit students from enrolling
32 in additional courses under a separate agreement that includes terms for paying
33 tuition or course fees.

34 **3. When a school district has a student who has completed**
35 **courses through the virtual public school authorized by this section,**
36 **the school district may identify any credits that were earned through**
37 **the virtual public school on the student's diploma, transcript, or in the**
38 **student's records. A school district may exclude credits earned through**
39 **the virtual school when calculating in-district academic awards.**

40 **4.** When a school district has one or more resident students enrolled in
41 a virtual public school program authorized by this section, whose parent or
42 guardian has chosen to include such student in the district's enrollment, the
43 department of elementary and secondary education shall disburse an amount
44 corresponding to fifteen percent of the state aid under sections 163.031 and
45 163.043, RSMo, attributable to such student to the resident district. Subject to
46 an annual appropriation by the general assembly, the department shall disburse
47 an amount corresponding to eighty-five percent of the state adequacy target
48 attributable to such student to the virtual public school.

49 **[4.] 5.** Except as specified in this section and as may be specified by rule
50 of the state board of education, the virtual public school shall comply with all
51 state laws and regulations applicable to school districts, including but not limited
52 to the Missouri school improvement program (MSIP), adequate yearly progress
53 (AYP), annual performance report (APR), teacher certification, and curriculum
54 standards.

55 **[5.] 6.** The state board of education through the rulemaking process and

56 the department of elementary and secondary education in its policies and
57 procedures shall ensure that multiple content providers are allowed.

58 [6.] 7. Any rule or portion of a rule, as that term is defined in section
59 536.010, RSMo, that is created under the authority delegated in this section shall
60 become effective only if it complies with and is subject to all of the provisions of
61 chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and
62 chapter 536, RSMo, are nonseverable and if any of the powers vested with the
63 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective
64 date, or to disapprove and annul a rule are subsequently held unconstitutional,
65 then the grant of rulemaking authority and any rule proposed or adopted after
66 August 28, 2006, shall be invalid and void.

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Bill

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